

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MARK E. TAYLOR,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:05-CV-372
)	(VARLAN/SHIRLEY)
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

This Social Security appeal is before the Court on the Report and Recommendation filed by United States Magistrate Judge C. Clifford Shirley, Jr. on March 28, 2006 [Doc. 15]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Magistrate Judge Shirley found that the Commissioner's motion to dismiss for lack of jurisdiction should be granted on the grounds that there is no final decision of the Commissioner of Social Security made after a hearing for this Court to review, 42 U.S.C. § 405(g), and the plaintiff has failed to demonstrate any other basis for this Court's review. Indeed, the plaintiff failed to respond to the Commissioner's motion to dismiss. *See* L.R. 7.2.

The Court has carefully reviewed this matter, including the underlying pleadings [Docs. 12, 13, 14]. The Court is in agreement with Magistrate Judge Shirley's recommendation which the Court adopts and incorporates into its ruling. The defendant's

motion to dismiss [Doc. 12] is **GRANTED**. The Court **ACCEPTS IN WHOLE** the Report and Recommendation and this case is hereby **DISMISSED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE